

Building across lot lines

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Code reference: 2022 Oregon Structural Specialty Code (OSSC)
2021 Oregon Residential Specialty Code (ORSC)

Date: Dec. 7, 2022

Subject: Building across lot lines

Question: Can a structure regulated by either the OSSC or ORSC be constructed across lot lines?

Answer: Yes

Analysis:

Both the OSSC and the ORSC define “lot line” as: “A line dividing one lot from another, or from a street or any public place.” Another term integral to the discussion is “yard” and is defined in both codes as; “An open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.”

Both the OSSC and the ORSC regulate the construction of buildings in large part, based upon the proximity of a building to a lot line. In general, the required exterior fire resistance of buildings as well as how large a building can be are greatly affected by its proximity to a lot line. The closer a building is oriented to a lot line (providing smaller yards) the more restrictive the code becomes.

However, neither code contemplates scenarios where a single entity either owns or has legal control of adjacent lots. This situation is outside the scope of the building code and the obvious solution is to either adjust the lot line, or create an easement which provides the necessary yards as determined by the design of a proposed building.

Where the entity chooses to maintain the established lot lines as allowed by the local municipality, it is still possible to build across the lines and satisfy code requirements through the use of “recorded restrictive covenants” or other legal instruments which are binding on the properties. Such determinations are beyond the scope of the state building code and applicants must work with the local municipality in the execution of a legally sufficient recording for the site. The determination of whether to allow the use of recorded restrictive covenants or other legal instruments to resolve lot line issues is not required or controlled by the building code.

For the purposes of applying the building code (assuming the lot line issue is resolved), the lot line becomes the exterior boundary of the combined lots under consideration. The designer may now orient a proposed building across the interior lot line but must maintain the necessary yards and set-backs from the exterior boundary of the combined lots as dictated by the building design and local land-use laws.

Contact: Visit the division website to [contact a building code specialist](#).